



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 232 OF 1998

Abdul Hakim Abdul Gani Qureshi And Ors.

VERSUS

Narayanrao Vyasacharya Kulkarni (Dharmadhikari) And Ors.

...

WITH

**CIVIL APPLICATION NO. 2529 OF 2018 WITH
CIVIL APPLICATION NO. 14397 OF 2022 WITH
CIVIL APPLICATION NO. 11827 OF 2023 WITH
CIVIL APPLICATION NO. 11970 OF 2023
IN SA/232/1998**

WITH

**CIVIL APPLICATION NO. 3378 OF 2010 WITH
CIVIL APPLICATION NO. 11305 OF 2021 WITH
CIVIL APPLICATION NO. 11306 OF 2021 WITH
CIVIL APPLICATION NO. 11936 OF 2023
IN SAST/6217/2010**

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Advocate for Appellants : Mr. A. R. Tapse
Advocate for Respondent No. 5 : Mr. S. B. Wakure,
Advocate for Respondent No. 2-c : Mr. P. G. Godhamgaonkar
Advocate for Respondent No. 5 : S. S. Shinde

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CORUM : ROHIT W. JOSHI, J.

DATED : 7th MARCH, 2025

PER COURT :

**ORDER IN CIVIL APPLICATION NO. 11827 OF 2023 AND
CIVIL APPLICATION NO. 2529 OF 2018 :**

1. The respondent Nos. 1 and 3 have expired. These are applications for bringing their legal representatives on record. There is an inordinate delay of ten years in moving the applications.

2. The respondent Nos. 1 to 3 are original plaintiffs, who had filed suit for recovery of possession against the defendants who are in a sense strangers. However, since the suit is for possession against the third persons, the suit will not abate in its entirety even if some of the plaintiffs die. Apart from this, appeals prior to the year 1998 are still pending for hearing.

3. Having regard to the totality of circumstances, I am inclined to condone the delay caused in moving applications for bringing legal representatives on record as also to set aside the abatement of appeal against respondent No. 1 and 3 and further to grant permission to bring their legal representatives on record, subject to cost of Rs. 5000/- to be deposited with the Chairman, Library Committee, Advocates Association of Bombay High Court, Bench at Aurangabad. It is ordered accordingly.

4. It is informed that respondent No. 2A has expired however, her legal heirs and legal representatives i.e. the sons are already on record as respondent No. 2B and 2C. Name of respondent No. 2A be deleted from cause title. The appellants are directed to take steps for effecting service on unserved respondents.

5. Civil Applications are **disposed of**.

[ROHIT W. JOSHI]
JUDGE

KS_Kamble/